

**OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management**

MEMORANDUM OM 05-17

December 6, 2004

TO: All Regional Directors, Officers-In-Charge,
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Coordination of Cases Involving Mail Contractors of America (MCA) and the
American Postal Workers Union (APWU)

The Kansas City Regional Office, (Region 17), has been designated as the coordinating Region for the recently filed charges involving Mail Contractors of America (MCA). If a charge involving this Employer is filed in your Region, please contact Region 17 Field Attorney Lyn Buckley (913-967-3014) and provide her with a copy of the charge. If the Union seeks to file new charges related to national bargaining, including Section 8(a)(5) and 8(d) charges, it should be encouraged to file them in Region 17.

The pending charges center around a dispute that has arisen between MCA and the American Postal Workers Union (APWU) at five of MCA's facilities. Those facilities are located in Greensboro, North Carolina; West Memphis, Arkansas; Kansas City, Kansas; Jacksonville, Florida; and Urbandale, Iowa. All five of those facilities are currently engaged in bargaining. All but the Kansas City cases involve bargaining for a renewal contract, the Kansas City charges involve bargaining for an initial contract after MCA voluntarily recognized the APWU in April 2002. The bargaining is being conducted both at the individual facility level and at other sessions where two or more facilities are involved. Charges filed by the APWU raise various issues with respect to the bargaining, including surface bargaining, failure to give 8(d) notices, failure to provide requested information, and unilateral implementation of a final offer. In addition, the Union also is alleging that various independent 8(a)(1) violations have occurred at various terminals. The Union is requesting 10(j) injunctive relief. The Union may be organizing at other facilities, which could generate additional charges.

There were previous charges involving this Employer that were coordinated in Region 6, the Pittsburgh Regional Office. Those charges ultimately resulted in a settlement agreement that resolved all pending issues. Region 6 is ready to close the cases involved in that settlement, but is waiting to see what impact, if any, current charges will have on the closing.

Charges alleging violations of any section of the Act other than Section 8(a)(5) and 8(d), should be filed and docketed in the Region in which the affected facility is located. That Region should investigate the charge, make an initial determination, and forward the decisional document to Regional Director D. Michael McConnell, Region 17, for clearance to

proceed. Regions investigating those charges should solicit evidence relevant to the need for 10(j) relief. If these charges are received by Region 17, they will be forwarded to the appropriate Region for docketing.

Before a Region approves a settlement agreement, clearance should be obtained from Region 17. In the event that a Region decides that a complaint should issue on a case, that Region should prepare and submit the complaint language to Region 17, but complaint should not issue until authorized by Region 17. It is possible that a consolidated complaint and hearing will ultimately result.

If you have any questions concerning this matter, please contact Regional Director D. Michael McConnell or Deputy Assistant General Counsel Yvette C. Hatfield, who is coordinating these cases in Washington.

/s/
R.A.S.

cc: NLRBU
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